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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------------|
| 10/576,474 | 04/20/2006 | Jan Swerup | PS02 0184WO1 | 6076 |
| 58561 7590 09/29/2008 HARRITY & HARRITY, LLP 11350 RANDOM HILLS ROAD SUITE 600 FAIRFAX, VA 22030 | | | EXAMINER JAMAL, ALEXANDER | |
| | | | ART UNIT 2614 | PAPER NUMBER |
| | | | MAIL DATE 09/29/2008 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,474

Applicant(s)

SWERUP ET AL.

Examiner

ALEXANDER JAMAL

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2,4-6,9-11,14-16** rejected under 35 U.S.C. 102(e) as being anticipated by L'Heureux (6697942).

As per **claims 1,6**, L'Heureux discloses a messaging system (email) for a portable terminal that provides a common interface for different message types (abstract). The system comprises a common editor for all the different message types (Col 3 lines 1-30). The user selects the message type. The message must inherently be saved in order to be processed by the terminal in order to be sent to the network. Based on the selected message type the terminal will 'change the transmission format' (the 'text' portion of the data field will be filled with the specific message type data). The terminal inherently comprises input means and display means for the purpose of letting the user 'select' any known type of data to be transferred (selecting a message type, and detection of a user selection). The system inherently comprises control means to control the hardware to perform the disclosed functions.

As per **claim 2**, the received message content is displayed by the appropriate application on the terminals.

As per **claims 4,5,9,10**, all data must be saved (in a 'general format') at every processing stage in the terminal in order for the data to be processed. The saving is 'automatic' for those functions that do not require user input to proceed.

As per **claim 11**, the message is uploaded to a specific web address (col 3).

As per **claim 14**, the device is a portable terminal with a display in which the user navigates a series of menus. The gui interface will change and the options selectable by the user will change depending on the particular situation (such as being in the editor) that the user is in.

As per **claims 15, 16**, the device is a portable phone.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 3,7,8,12,13**, rejected under 35 U.S.C. 103(a) as being unpatentable over L'Heureux (6697942) as applied to claim 1.

As per **claims 3,7,8**, L'Heureux discloses a well known portable phone with a keypad and display interface as per the claim 1 rejection, but does not give the specifics of the interface, including a scrolling function.

The examiner contends it would be obvious to one skilled in the art that known gui interface types, such as scrolling or selectable display types could be implemented on the display as a matter of design choice. The examiner further notes that applicant's specification provides no specific detail as to how a scrolling function or selectable display types (via an information presentation unit) would be implemented on any particular terminal type. The examiner reads the scrolling function as a well known and obvious to implement feature on any device with a display.

As per **claims 12,13**, the examiner contends one skilled in the art would realize that the identification/authentication of the user (inherent to organized communication on a network) could be carried out with or without user interaction as a matter of design choice. The examiner further notes that applicant's specification does not give specific information as to how an authentication system (automatic or otherwise) would be implemented in any particular type of data device (as each data device would have a different set of programming parameters and input/output means).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

/Alexander Jamal/

Primary Examiner, Art Unit 2614

Examiner Alexander Jamal

September 30, 2008